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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,486	02/10/2004	Seiichi Katano	49987-1003	3258
29989 7590 11/13/2008 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER TESLOVICH, TAMARA				
ART UNIT		PAPER NUMBER		
2437				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,486

Applicant(s)

KATANO, SEIICHI

Examiner

Tamara Teslovich

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/12/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 07.30.08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Remarks and Amendments filed August 12, 2008.

Claim 1 is amended.

Claims 8-26 remain cancelled.

Claims 1-7 are pending and herein considered.

Response to Arguments

Applicant's amendments to claim 1 serve to overcome the Examiner's previously set forth 35 USC 112 rejections of claims 1-7, first and second paragraphs. The 35 USC 112 rejections of claims 1-7 are withdrawn.

Applicant's arguments regarding the Examiner's 35 USC 103(a) rejections of claims 1-7 have been fully considered but they are not persuasive. Applicant's remarks rely in their entirety upon Kaneko and Albrecht's alleged failure to teach or suggest "detecting that a request from a network device for particular data selected by the network device to be analyzes for viral infection has been received by the multifunction peripheral deice over the network; and in response to detecting receipt of the request, causing the particular data to be provided from the multi-function peripheral device to the network device over the network to enable the data to be analyzed for the viral infection at the network device" as recited in newly amended claim 1. Applicant points to those portions cited by the Examiner, namely paragraphs 28-29 of Albrecht, alleging that it is the first computer that performs the virus scan and the second computer that

contains the data to be scanned. The Examiner respectfully disagrees. First, the portion relied upon by Applicant calls for "receiv[ing] a dialog initiation request [at an MFP] from a [network device] also connected to the computer network concerning an electronic file identified by the [network device] as requiring a virus scan." The Examiner has taken the liberty of replacing Albrecht's "first computer" with "MFP" and Albrecht's "second computer" with "network device" to simplify her explanation. The Examiner's replacements are supported by Albrecht's specification including but not limited to paragraph 13 wherein Albrecht teaches how "a set of first nodes may be served by a single scanning application existing at a second node." It is clear to the Examiner from this portion in view of the reference in its entirety that Albrecht's second computer/node equates to Applicant's network device and that Albrecht's first computer/node equates to Applicant's MFP. Looking back to paragraphs 28 and 29, the Examiner draws attention to the fact that Albrecht's "request" does in fact come from his second computer, or network device, and that it was the network device that identified the file as needing to be scanned. Furthermore, the Examiner looks to paragraphs 30 and 31 wherein the portions of the file required for scanning are identified to the network device, at which point those portions are received from the MFP. Additional support for such a reading may be found in paragraphs 19-22 wherein Albrecht's network device (second computer with scanning capabilities) identifies to the MFP (first computer) those portions of the electronic files required for scanning operations, and for transferring those portions to the network device (second computer). It is based upon the abovementioned portions of Albrecht in view of the references in their entirety that

the Examiner disagrees with Applicant's mischaracterization of Albrecht's first computer as the one that "perform the virus scan."

Applicant goes on to argue that the selection of data is by the second computer that holds the data, not the first computer. This characterization is one again incorrect based upon the fact that it is the first node/computer in Albrecht that has the files and equates to Applicant's MFP while it is the second node/computer that is the scanning application and equates to Applicant's network device and that the files are transferred from the MFP to the network device for scanning (paragraphs 8-11).

It is for the reasons given above that the Examiner maintains her 35 USC 103(a) rejections of claims 1-7 as being unpatentable over US Publication No. 2004/0193895 A1 to Kaneko and further in view of US Publication No. 2001/0005889 A1 to Albrecht, included below in a form to reflect Applicant's amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0193895 A1 to Kotaro *Kaneko* and further in view of United States Patent Application Publication No. 2001/0005889 A1 to Mikael *Albrecht*.

As per **claim 1**, *Kaneko* teaches a multi-function peripheral device comprising: a network interface configured to allow the multi-function peripheral device to communicate with network devices over a network (pars 16, 26-28); a graphical user interface configured to allow for the exchange of information between the multi-function peripheral device and a user (pars 22-29); one or more processors (pars 14-15); a memory (pars 28, 94); a scan process configured to scan one or more documents at the multi-function peripheral device (par 27); a print process configured to print one or more documents at the multi-function peripheral device (pars 27, 39, 64, 71).

Kaneko fails to specifically teach a virus protection process executing in the memory and being configured to perform the steps of detecting that a request from a network device for particular data selected by the network device to be analyzed for viral infection has been received by the multi-function peripheral device over the network and in response to detecting receipt of the request, causing the particular data to be provided from the multi-function peripheral device to the network device over the network to enable the data to be analyzed for viral infection at the network device.

Albrecht teaches a virus protection process executing in the memory and being configured to perform the steps of detecting that a request from a network device for particular data selected by the network device to be analyzed for viral infection has been received by the multi-function peripheral device over the network (pars 28-29 "dialogue initiation request from 2nd computer"); and in response to detecting receipt of the request, causing the particular data to be provided from the multi-function peripheral

device to the network device over the network to enable the data to be analyzed for viral infection at the network device (par 31).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include within *Kaneko* the virus protection process allowing for the detection of requests from a network device for particular data selected by the network device to be analyzed and the sending of that data as described in *Albrecht* to provide an MFP with increased security capabilities without requiring the need for excess processing power and memory.

As per **claim 2**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 1, wherein providing data from the multi-function peripheral device to the network device over the network includes: providing one or more data files to the network device over the network (*Albrecht* pars 13 "electronic files which require virus scanning", 47; *Kaneko* pars 36-38, 40-42, 72-73).

As per **claim 3**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 1, wherein providing data from the multi-function peripheral device to the network device over the network includes: providing configuration data to the network device over the network (*Albrecht* pars 13 "electronic files which require virus scanning", 47; *Kaneko* pars 36-38, 40-42, 72-73).

As per **claim 4**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 1, wherein the memory stores additional instructions which, when processed by the one or more processors, cause the multi-function peripheral device to perform the steps of: receive replacement data from the network device that has been disinfected; and replace the data on the multi-function peripheral device with the replacement data (*Albrecht* par.18; *Kaneko* pars 85-87).

As per **claim 5**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 4, wherein the memory stores other instructions which, when processed by the one or more processors, cause the multi-function peripheral device to: after replacing the data on the multi-function peripheral device with the replacement data, generate and send a confirmation message to the network device (*Albrecht* par.46; *Kaneko* pars 88-89).

As per **claim 6**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 4, wherein the memory stores other instructions which, when processed by the one or more processors, cause the multi-function peripheral device to: after replacing the data on the multi-function peripheral device with the replacement data, generate a report and either print the report at the multi-function peripheral device or fax the report to another location (*Kaneko* pars 88-89).

As per **claim 7**, the combination of *Kaneko* and *Albrecht* teaches the multi-function peripheral device as recited in Claim 1, wherein the memory stores additional instructions which, when processed by the one or more processors, cause the multi-function peripheral device to perform the steps of: receive a request from the network device for the multi-function peripheral device to quarantine or delete at least a portion of the data that was sent from the multi-function peripheral device to the network device; and in response to receiving the request from the network device to quarantine or delete at least a portion of the data that was sent to the network device, quarantine or delete the at least a portion of the data that was sent from the multi-function peripheral device to the network device (*Albrecht* par 18; *Kaneko* pars 85-87, 95).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437

